

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 19 SEP 2005

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Applicant's or agent's file reference DC444.IP04.029	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/GB2004/003963	International filing date (day/month/year) 17.09.2004	Priority date (day/month/year) 17.09.2003
International Patent Classification (IPC) or national classification and IPC B65D88/12, B65D88/00, B65D88/52, B65D90/00		
Applicant CLIVE-SMITH COWLEY LIMITED et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 14.04.2005	Date of completion of this report 20.09.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Zanghi, A Telephone No. +31 70 340-2875 	

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

10 as originally filed

Claims, Numbers

1-12 as originally filed

13 received on 19.04.2005 with letter of 14.04.2005

Drawings, Sheets

1/10-10/10 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify):*
 - ☐ any table(s) related to sequence listing *(specify):*
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify):*
 - ☐ any table(s) related to sequence listing *(specify):*

* *If item 4 applies, some or all of these sheets may be marked "superseded."*

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 10
because:
 - ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☒ no international search report has been established for the said claims Nos. 10
 - ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
 - ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
 - ☐ See separate sheet for further details

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7,9,12,13
	No: Claims	1,8,11
Inventive step (IS)	Yes: Claims	2-7,9,12,13
	No: Claims	1,8,11
Industrial applicability (IA)	Yes: Claims	1-9,11,12,13
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

2.1 The following documents are referred to in this communication:

D1 : WO 02/28747 A (CLIVE SMITH MARTIN) 11 April 2002 (2002-04-11)

D2 : GB 1 524 846 A (ASSOCIATED CONTAINER TRANSPORT) 13 September
1978 (1978-09-13)

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.2.1 Document D1 discloses (the references in parenthesis applying to this document, see fig. 10b and corresponding passages in the search report):

A demountable post extension (36), has a clamp action mounting (91) at one (base) end.

2.2.2 The subject matter of claim 1 is therefore not new.

2.2.3 Also document D2 discloses a demountable post extension according to claim 1.

2.3 The document D1 is regarded as being the closest prior art also to the subject-matter of claims 5 and shows (the references in parentheses applying to this document, see fig. 10b and corresponding passages in the search report):

A demountable post extension (36), comprising an elongate tubular body and a locking tong (91) protruding from a base plate.

2.3.1 From this, the subject-matter of independent claim 5 differs in that:

a wedge-carrier-screw mechanism is provided to tighten the locking tong to the corner fittings.

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2.3.2 The subject-matter of claim 5 is therefore novel (Article 33(2) PCT)

2.3.3 The problem to be solved by the present invention may be regarded as:

To increase the tightness and the safety of the connection between the post extension and the existing post in a compact way.

2.3.3.1 The solution to this problem proposed in claim 5 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Such solution is neither present in the state of the art nor would it be obvious to the person skilled in the art, to apply these features with corresponding effect to an extension post according to document D1, thereby arriving at an extension post according to claim 5.

2.3.4 The same reasoning applies, mutatis mutandis, to the subject-matter of independent claim 13, which therefore is also considered novel.

2.4 Dependent claims 8 and 11 do not contain any features which, in combination with the features of claim 1, meet the requirements of the PCT in respect of novelty, see document D1 and the corresponding passages cited in the search report.

3 The combination of the features of dependent claims 2,3,4,6,7,9,10 is neither known from, nor rendered obvious by, the available prior art.

4 The subject matter of independent claims 1, 5 and 13 is considered unduly broad compared to technical contribution given by the invention itself and by the scope of the description which is clearly limited to "a demountable post extension to allow over-height container cargo, to project above container height - as defined by the tops of the corner lift facilities". It is only taking in to account this last definition (i.e. limiting the scope of claims 1, 5 and 13 to such specific field) that the search and this report have been carried out.

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